

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
JANUARY 18, 2000**

PRESENT: Roy Pfeffer, Rick Unbehaun, W. Robert Cress, Daniel Densow, Bonnie Gift, and Peter Schils

STAFF PRESENT: Cletus Hansen, Becky Fry; Jacquelynn Rothstein, Legal Counsel, Division of Enforcement staff, Roxanne Peterson, Judy Mender, and Patty Williams, for portions of the meeting

GUESTS: Mark Paget, WFDA
John Houck, Advisory Committee on FD Apprenticeship Issues
Kathy O'Sullivan, Advisory Committee on FD Apprenticeship Issues

CALL TO ORDER

The meeting was called to order at 9:33 a.m. by Roy Pfeffer, Chair. A quorum of six members was present.

AGENDA

MOTION: Robert Cress moved, seconded by Daniel Densow, to adopt the agenda, as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to nominate and elect Roy Pfeffer, Chair, by acclamation.

MOTION: Robert Cress moved, seconded by Rick Unbehaun, to nominate and elect Daniel Densow, Vice Chair, by acclamation.

MOTION: Robert Cress moved, seconded by Bonnie Gift, to nominate and elect Rick Unbehaun, Secretary, by acclamation.

MINUTES (12/1/99)

MOTION: Bonnie Gift moved, seconded by Peter Schils, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings was not available to address the Board.

Bureau Director's Report

Board Roster

The Board received an updated roster. Noted.

2000 Meeting Dates

Noted

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

Daniel Densow distributed and reviewed the draft of the Proposed Cremation Regulations for the State of Wisconsin. Mr. Densow recommended that Board members take the information home and study it for future discussion.

The Board discussed the new state law regarding disclosures when selling certain types of merchandise.

Board members raised questions and discussed whether the Board has jurisdiction over crematories located in cemeteries, price list issues, and transporting unembalmed bodies over state lines for cremation.

Update and Action Relating to Unspecified Bills That May Have Been Introduced

Nothing to report.

Certificates in Good Standing

Roy Pfeffer referred to the motion of the October 19, 1999 meeting, that recommended that applicants for a regular license who hold a certificate of good standing for over 5 years obtain 30 continuing education units, with a minimum of 6 credits from Sec. 4.04(1)(a)(2), Stats., professional conduct, business ethics or legal aspects and a minimum of 10 credits from Sec. 4.04(1)(a)(4), Stats., technical or practical aspect, take and successfully pass the state law exam and perform 10 embalmings within 12 months, under the direct supervision of a licensed embalmer was not included in the current draft of the legislation concerning funeral director certificates in good standing.

Clete Hansen informed the Board that at the present time this motion is being carried out by staff who process applications for a funeral directors license, received from persons holding a

certificate in good standing. Mr. Hansen indicated that Secretary Cummings did not consider the recommendations of that motion as a viable alternative.

Board members expressed concern for the health and safety of the public and the qualifications of a person reentering the field if the Board's recommendations of requiring 30 CEU's and 10 embalmings of an applicant for a regular license, who currently holds a certificate in good standing, are not carried out.

Mark Paget indicated the position of WFDA is that the Board's proposed recommendations will not go very far if sponsors are not found to introduce and support the bill.

MOTION: Daniel Densow moved, seconded by Peter Schils, that the Board does not support the Department's proposed certificates in good standing bill and the Board stands by its original position on the motion made by Peter Schils at the October 19, 1999 meeting, to recommend that applicants for a regular license who hold a certificate of good standing for over 5 years obtain 30 continuing education units, with a minimum of 6 credits from Sec. 4.04(1)(a)(2), Stats., professional conduct, business ethics or legal aspects and a minimum of 10 credits from Sec. 4.04(1)(a)(4), Stats., technical or practical aspect, take and successfully pass the state law exam and perform 10 embalmings within 12 months, under the direct supervision of a licensed embalmer. Motion carried unanimously.

Clete Hansen stated he would inform Secretary Cummings that the Board does not support the proposed legislation.

Senate Bill 257 – Minimum Standards for Life Insurance Policies

Mark Paget clarified WFDA's position that the rules for the pre-need insurance need to be reviewed and possibly adjusted. WFDA is not in favor of the bill that takes the Office of the Commissioner of Insurance (OCI) out of the rule-making authority.

Clete Hansen commented on some of the problems with the requirements for insurance funded burial agreements.

Jacquelynn Rothstein reviewed her notes from the hearing held on October 21, 1999, relating to pre-need and last-expense insurance, and the proposal seeking to eliminate a provision in OCI's rules which presently allows OCI to set levels in insurance policies.

Mark Paget informed the Board of a Senate hearing to be held at 10:00 a.m. on January 19, 2000, relating to the bill. The bill was passed in the Assembly.

The Board will continue to monitor this issue. No action was taken.

1999 Senate Bill 69 – Seasonal Burials

Clete Hansen reviewed the progress of the bill and informed the Board that the Cemetery Advisory Committee does not have a position on the bill.

1999 Assembly Bill 588 – Cemetery Regulation

Clete Hansen reviewed AB 588 and informed the Board that Milwaukee is unhappy with the provisions of the current law relating to abandoned cemeteries. Mr. Hansen indicated that this is not a Department bill; it was introduced at the request of the City of Milwaukee. The Department is opposed to several provisions in the law.

1999 Senate Bill 307 – Amount of Irrevocable Trusts

Clete Hansen explained the proposal to increase the limits of irrevocable trusts.

Mark Paget provided additional information about this issue.

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to support Senate Bill 307. Motion carried unanimously.

ADMINISTRATIVE RULES

Final Copy of the Corrected Rule: FD 6

Clete Hansen informed the Board that technical changes were made and a final copy was included in the agenda packet.

WFDA MASTER TRUST PROGRAM

Correspondence noted.

EXAMINATION ISSUES

Nothing to discuss.

BOARD MEMBER ACTIVITY

Roy Pfeffer reported on the Annual Convention of the International Conference of Funeral Directors Examining Board in Kansas City, October 28 and 29, 1999. He informed the Board that 33 states and provinces were represented and 19 of 49 mortuary schools were present. The next meeting will be held April 7-9, 2001, in Clearwater Beach, Florida. Roy Pfeffer quoted from the meeting, "Licensing without enforcement is like no licensing at all."

Roy Pfeffer circulated information on pre-planning funeral arrangements and a report on exam statistics from the International Conference.

REPORT OF THE ADVISORY COMMITTEE ON FUNERAL DIRECTOR APPRENTICESHIP ISSUES

Clete Hansen made introductory remarks and briefly outlined the work of the Funeral Director Advisory Committee in relation to updating current forms and preparing a new Funeral Director Apprentice Training Workbook.

The Board discussed recommendations made by the Advisory Committee regarding statutory changes and the apprentice program.

John Houck and Kathy O'Sullivan explained various issues brought up by Board members, including requiring a separate but revised form for each embalming, the definition of direct supervision, the amount of supervision required for embalming practices, the phrase "no less than 6 and no more than 9 embalmings may be performed by an apprentice during any one quarter," and if a person is currently taking 6 semester-hours or less of coursework, the person may use an internship toward the active apprenticeship.

Board members will review the proposed Funeral Director Apprentice Training Workbook and discuss it further at a future meeting.

PRACTICE ISSUES

ADVERTISING

Robert Cress addressed the issue of the law regarding advertising and solicitation and circulated advertisements from a Chicago newspaper relating to identifying ownership of advertised firms.

The Board discussed information received from the Illinois Funeral Directors Association entitled "Information on Advertising, Promotion and Solicitation."

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Roy Pfeffer complimented Clete Hansen on his December 7, 1999, letter to Bruce Olsen regarding Service Corporation International.

Noted.

NEW BUSINESS

Nothing to report.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Peter Schils moved, seconded by Daniel Densow, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Robert Cress-yes; Rick Unbehaun-yes; Dan Densow-yes; Bonnie Gift-yes; Peter Schils-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 1:37 p.m.

CLOSED SESSION

The Board received a copy of the Case Status Report.

The Board deliberated on case closings, apprenticeship issues, pending applications, the monitoring report, and disciplinary matters.

RECONVENE IN OPEN SESSION

MOTION: Peter Schils moved, seconded by Bonnie Gift, to reconvene in Open Session at 2:01 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

APPRENTICESHIP ISSUES

MOTION: Rick Unbehaun moved, seconded by Daniel Densow, to grant an extension of time on the Funeral Director Apprentice Permit for Olga Perez, through December, 2000, which will allow her to take the state board exam. Motion carried unanimously.

CASE CLOSING

MOTION: Pete Schils moved, seconded by Daniel Densow to close 96 FDR 024, for P7. There may have been a violation but the regulatory authority has taken action in regard to this credential holder which addressed the conduct and makes further action unnecessary. Motion carried unanimously.

APPRENTICESHIP APPLICATIONS

MOTION: Pete Schils moved, seconded by Rick Unbehaun, to confirm the previous motion of December 1, 1999, and to deny Curtis Benjamin's request to change his apprenticeship permit effective date. Motion carried unanimously.

ADJOURNMENT

MOTION: Bonnie Gift moved, seconded by Rick Unbehaun, to adjourn the meeting at 2:05 p.m. Motion carried unanimously.